

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR CHEN,

Plaintiff,

-against-

COMMISSIONER ASHWIN VASAN, NEW
YORK CITY DEPT. OF HEALTH; DIRECTOR
CHRISTOPHER WRAY, FEDERAL BUREAU
OF INVESTIGATION,

Defendants.

22-CV-2938 (LTS)

BAR ORDER UNDER
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On April 29, 2022, the Court dismissed the action as frivolous, noted that Plaintiff had filed five other cases dismissed as frivolous, and ordered Plaintiff, within thirty days, to show cause by declaration why he should not be barred from filing further actions *in forma pauperis* (IFP) in this Court without prior permission. (ECF 6.) By order dated May 18, 2022, the Court granted Plaintiff an extension of time to file a declaration. (ECF 8.)

Plaintiff filed a declaration on May 31, 2022, but his arguments against imposing the bar order are insufficient to address the issues presented by the Court's April 29, 2022 order. Specifically, Plaintiff does not address the main concern underlying the Court's order to show cause, which is his history of filing frivolous actions. Plaintiff instead argues that he must file his cases IFP because he is on a fixed income, he "do[es] not receive income from [his] writings," and that "[t]here may even be a 'law' preventing [him] from selling [his] works." (ECF 9, at 1.) Plaintiff also attaches to the declaration excerpts from two of his publications, neither of which appears responsive to the order to show cause. (*See id.* at 3-6.) Accordingly, the bar order will issue.

CONCLUSION

The Court hereby bars Plaintiff from filing future civil actions IFP in this court without first obtaining from the court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the action will be dismissed for failure to comply with this order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 28, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge